

RECEIVED
CENTRAL FAX CENTER

JUL 01 2005

Doc.623569

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner
Thomas Zdeblick et al.)	Julian W. Woo
)	
Application Serial No. 10/644,252)	Group Art Unit 3731
)	
Filed August 20, 2003)	Ref. No. 4002-3378/
)	PC242.38
)	
INTERBODY FUSION DEVICE AND METHOD FOR)	July 1, 2005
RESTORATION OF NORMAL SPINAL ANATOMY)	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, Applicants would like to bring to the Examiner's attention that a Request for Interference with the present application was filed in copending U.S. Patent Application No. 10/740,747 (U.S. Patent Application Publication No. 2004-0133277 A1). A copy of that Request is enclosed for the Examiner's convenience. The cited information is also listed on the attached PTO Form 1449.

Supplemental Information Disclosure Statement
 Application Serial No. 10/644,252
 Inventors: Thomas Zdeblick et al.
 Page 1 of 2

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 703-872-9306 on:	
<u>July 1, 2005</u>	
_____ Date of Transmission	
Brad A. Schepers	
_____ Name of Registered Representative	
 _____ Signature	
<u>July 1, 2005</u>	
_____ Date of Signature	

The Request for Interference states that Claims 44 and 46-48 of the present application correspond to Claims 1-4, respectively, of the proposed count. The Request has not yet been acted on by the Examiner in the '747 application.

Also, Applicants note that the '747 application is in the same chain as U.S. Patent Application No. 07/205,935, which issued as U.S. Patent No. 5,015,247. The '247 patent is of record in the present application inasmuch as it was cited in the Information Disclosure Statement filed on August 20, 2003.

Applicants request favorable consideration of this Information Disclosure Statement. Should any fee be required, please charge such fee to Deposit Account No. 12-2424.

Respectfully submitted,

By: 
Brad A. Schepers
Reg. No. 45,431
Krieg DeVault LLP
One Indiana Square, Suite 2800
Indianapolis, IN 46204-2079
(317) 238-6334

Supplemental Information Disclosure Statement
Application Serial No. 10/644,252
Inventors: Thomas Zdeblick et al.
Page 2 of 2

RECEIVED
CENTRAL FAX CENTER

4007

JUL 01 2005

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
to a collection of information unless it contains a valid OMB control number.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

<i>Complete if Known</i>	
Application Number	10/644,252
Filing Date	August 20, 2003
First Named Inventor	Thomas Zdeblick
Art Unit	3731
Examiner Name	Julian W. Woo
Attorney Docket Number	4002-3378/PC242.38

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

Examiner Signature		Date Considered	
-------------------------------	--	----------------------------	--

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.